REMARKS

With this Response, claims 4, 5, 8, 11-19, 21, and 25 are amended. Therefore, claims 1, 4-6, 8, 11-19, 21, 22, 25, 32, 34, and 35 are pending.

CLAIM OBJECTIONS

Claims 4, 5, 8, 11-19, 21 and 25

These claims were objected to for perceived informalities. While Applicants do not believe the amendments are necessary as required by the Office, in an effort to expedite prosecution of this matter, Applicants have elected to amend these claims to read "The computer-implemented method...."

Applicants note that the Office has explicitly stated the amendments are not substantive, but merely matters of form. Applicants submit that the amendments cannot be construed in any way as changing the scope of the claims.

Furthermore, claim 25 was objected to as improperly depending from canceled claim 24. Appropriate correction is made herein, amending claim 25 to depend from claim 22.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 4, 32 and 34

These claims were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0072928 of Sundararajan et al. (hereinafter "Sundararajan"). Applicants submit that these claims are not anticipated by the cited reference for at least the following reasons.

Of these claims, 1 and 32 are independent claims. The cited reference fails to disclose or suggest at least two features of the claimed invention, as set forth below.

Independent claims 1 and 32 each recite features directed to a change introduced into a software object **stored on a first software subsystem** that is **instantiated on a second software subsystem**.

Despite numerous citations in the Office Action to software components of Sundararajan, the meaning of instantiating a software object from one software subsystem on a second software subsystem seems to have been missed in the rejection of the Office Action. One of skill in the art

would understand that code can be loaded from one software subsystem onto a second software subsystem, loaded with configuration/settings local to the second software subsystem, and executed on the second software subsystem.

The disclosure of Sundararajan fails to explicitly discuss software objects. Instead, the Office relies on the following language from the reference: "an e-commerce application can include a variety of device and application modules, combined in multiple configurations over a range of version levels with a variety of enabled features." More specifically, the Office Action at page 27 asserts: "one of ordinary skill in the art would reasonably comprehend that an application module with a feature enabled in one configuration may also have the same or a different feature enabled in another configuration (instantiated in a second software subsystem)." Despite this discussion in the Office Action, it is not clear what the Office is interpreting as a software object instantiated in a second software subsystem. Applicants will address the rejection based on their best understanding of the statements in the Office Action.

If reliance on the reference is maintained to reject Applicants' claims, Applicants request clarification of the statement. Is the "configuration" supposedly the second software subsystem? Is the "same or different feature" supposedly the instantiated object?

Even assuming the statement in the Office Action is true, which Applicants do not concede, an application module having **the same or a different feature enabled in another configuration**" does not explicitly disclose instantiating an object of one software subsystem in another software subsystem. As a first matter, as is understood by those skilled in the art, except for local configuration parameters, instantiation of an object results in the same object everywhere instantiated, **and not** "the same **or a different feature** enabled," as asserted by the Office. Additionally, those of skill in the art would understand that there is not a one-to-one relationship between "features" and software objects, as appears to be implied in the Office's interpretation. The same "feature" can be implemented in different systems using different objects. Additionally, a change to a feature that makes it incompatible with a corresponding feature is not **necessarily** caused by a change to an object. Rather, a change to a configuration parameter or data value could cause features of different systems to become incompatible.

Thus, Applicants submit that the assertion in the Office Action is not supported by the explicit disclosure of the reference. Additionally, to rely on the principle of inherency, the Office must show that the asserted teachings necessarily flow from the reference (see MPEP § 2112),

which is not met here. As set forth above, the asserted teachings do not necessarily flow from Sundararajan. Rather, according to the Office's interpretation of the reference, the reference appears to teach contrary to Applicants' claims. Thus, the reference fails to explicitly or inherently disclose the invention as recited in Applicants' independent claims, and the assertion in the Office Action is not supported by the reference. Therefore, the reference fails to support an anticipation rejection of Applicants' claimed invention.

Independent claims 1 and 32 each further recite features directed to compatibility of a software object of a first software subsystem instantiated in a second software subsystem, where the **first software subsystem** is located at a server, and the **second software subsystem** is located at a client.

Again, it is not clear from the Office Action what the Office relies on in Sundararajan as supposedly disclosing the first software subsystem located at a server and a second software subsystem (where an object stored in the first subsystem is instantiated) located at a client. The examples of components that the Office asserts could be interpreted as the "subsystems" of Applicants' claims are listed at pages 27 to 28 in bullet points. None of the examples could be a "second software subsystem located at a client" at least because all are disclosed as necessarily being part of a server. Consider Figure 1 of the reference, where all the components subject to compatibility in the reference are all located at the server-side. The figure only shows the clients having a "browser," which is not included within the discussion of compatibility in the reference. Thus, it is not possible for Sundararajan to disclose or suggest a second software subsystem located at a client as recited in Applicants' claims.

Therefore, the cited reference fails to disclose or suggest at least one feature of the invention as recited in Applicants' independent claims, and so cannot anticipate the independent claims. The reference likewise fails to anticipate the dependent claims for at least the same reasons set forth above for the independent claims. Applicants therefore respectfully request that the rejection of the claims be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 5 and 35

Claims 5 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundararajan in view of U.S. Patent Application No. 6,658,659 of Hiller (hereinafter "Hiller"). These claims depend from independent claims 1 and 32, respectively, discussed above with respect to Sundararajan. The same defects of Sundararajan apply with respect to these dependent claims. Hiller fails to cure the deficiencies of Sundararajan. Hiller refers to applying version numbers to a software program, and fails to disclose or suggest at least a change introduced into a software object of a first software subsystem, where the first software subsystem is located at a server, and the second software subsystem is located at a client. Therefore, whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the invention as recited in Applicants' independent claims, and so fail to render obvious the invention as recited in these dependent claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

Claims 6, 13-15, 17-19, 22, 24 and 25

Claims 6, 13-15, 17-19, 22, 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundararajan in view of U.S. Patent Application No. 6,725,452 of Te'eni (hereinafter "Te'eni"). Applicants submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 6 and 22 are independent claims. Similar to claims 1 and 32 above, claims 6 and 22 recite features directed to a change introduced into a software object **stored on a first software subsystem** that is **instantiated on a second software subsystem**, and compatibility of a software object of a first software subsystem instantiated in a second software subsystem, where the **first software subsystem** is located at a server, and the **second software subsystem** is located at a client.

As discussed above, Sundararajan does not disclose what is asserted in the Office Action, and fails to disclose or suggest at least the claimed features set forth above. Te'eni fails to cure the deficiencies of Sundararajan. Te'eni discloses a system that allows a user to select and lock certain software subcomponents during the installation of a software product. There is no teaching to suggest to one of skill in the art the change detection and compatibility determination

of a software object that is instantiated from one software subsystem into another software subsystem. Therefore, whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the claimed invention, and so fail to render obvious the invention as recited in the independent claims, or their respective dependent claims.

Claims 8, 11, 12, 16, and 21

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundararajan and Te'eni in combination with other cited references. More particularly, claims 8, 11, and 12 were rejected under Sundararajan and Te'eni in view of U.S. Patent Application Publication No. 2004/0230952 of Massaro (hereinafter "Massaro"). Claim 16 was rejected under Sundararajan and Te'eni in view of Hiller. Claim 21 was rejected under Sundararajan and Te'eni in view of U.S. Patent No. 6,415,435 of McIntyre (hereinafter "McIntyre"). These claims are not rendered obvious by the cited references for at least the following reasons.

These claims depend from independent claim 6, discussed above with respect to Sundararajan and Te'eni. As set forth above, Sundararajan and Te'eni fail to disclose or suggest at least one feature of Applicants' claimed invention. As further set forth above, Hiller fails to cure the deficiencies of Sundararajan and Te'eni. Massaro and McIntyre similarly fail to cure the deficiencies of the primary references. Massaro discusses a system to mark sections of a storage system as being of different versions. The reference is not cited as curing the deficiencies of Sundararajan and Te'eni set forth above, nor indeed do Applicants understand the reference as curing those deficiencies. McIntyre discusses compatibility between classes in a hierarchical system, and more particularly, determines compatibility of a class with its parent class. The reference is not cited as curing the deficiencies of Sundararajan and Te'eni set forth above, nor indeed do Applicants understand the reference as curing those deficiencies. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the invention as recited in independent claim 6, and so fail to render obvious claim 6, or these dependent claims. See MPEP § 2143.03.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in

condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

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